



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

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JOHN D'ANTONIO, Jr.
SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

November 26, 2002

Dr. John Browne, Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop A100
Los Alamos, New Mexico 87545

Mr. Ralph Erickson, Director
Office of Los Alamos Site Operations
Department of Energy
528 35th Street
Los Alamos, New Mexico 87544

**SUBJECT: ISSUANCE OF FINAL ORDER TO LOS ALAMOS NATIONAL
LABORATORY**

Dear Dr. Browne and Mr. Erickson:

The New Mexico Environment Department (NMED) issued a draft order to the United States Department of Energy (DOE) and the University of California (UC), as owners and/or operators of Los Alamos National Laboratory (LANL) pursuant to NMSA 1978 Sections 74-4-10.1 and 74-4-13 of the New Mexico Hazardous Waste Act (HWA) on May 2, 2002. The draft order contained investigation and cleanup requirements and a schedule for implementation of cleanup measures at LANL.

From approximately 1943 to the present various wastes, including hazardous and mixed radioactive wastes, have been generated, stored, treated, and disposed of at LANL. NMED has determined that many of these wastes are solid and hazardous wastes, as defined by the HWA, NMSA 1978 Sections 74-4-1 *et seq.*, and may present an imminent and substantial endangerment to health and the environment, within the meaning of the HWA, NMSA 1978 Section 74-4-13.

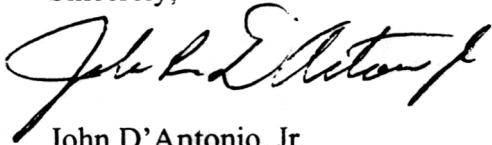
NMED provided the public with an opportunity to comment on the draft order by providing a sixty-day comment period that was extended to ninety days. The public comment period ended on July 31, 2002. NMED received comments from several parties including the DOE and UC. NMED has prepared a response to the comments received during the public comment period. After considering the comments received, NMED is today issuing a final order to LANL.

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Additionally, NMED made a determination on May 2, 2002 that the past or present handling, storage, treatment, and/or disposal of solid or hazardous wastes at the LANL may present an imminent and substantial endangerment to health and the environment. The finding has been revised and is included in the final order being issued today. Accordingly, the May 2, 2002 Imminent and Substantial Endangerment Finding is hereby withdrawn and replaced with the findings in the final order. A copy of the final order and NMED's response to the comments is enclosed with this letter.

Should you have any questions, please contact James P. Bearzi, Chief, Hazardous Waste Bureau at (505) 428-2512.

Sincerely,

A handwritten signature in black ink, appearing to read "John D'Antonio, Jr.", with a stylized flourish at the end.

John D'Antonio, Jr.
Cabinet Secretary

Enclosures

cc James Bearzi, NMED HWB
John Kieling, NMED HWB
Dave Cobrain, NMED HWB
Greg Lewis, NMED, WWMD
Charles de Saillan, NMED OGC
Laurie King, EPA Region VI

File: Reading and LANL G/02